



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

**5 Post Office Square, Suite 100
Boston, MA 02109-3912**

**URGENT LEGAL MATTER
REQUIRES PROMPT RESPONSE**

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Thomas Rich, Secretary
New England Boatworks, Inc.
1 Lagoon Road
Portsmouth, Rhode Island 02871

Re: Clean Air Act Reporting Requirement

Dear Mr. Rich:

The United States Environmental Protection Agency ("EPA") is evaluating whether New England Boatworks, Inc. ("NE Boatworks") is in compliance with the Clean Air Act ("CAA" or "Act") and requirements promulgated under the Act. Specifically, EPA is evaluating whether NE Boatworks is in compliance with the National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing (the "Boat Manufacturing NESHAP") found at 40 CFR Part 63, Subpart VVVV as well as the Rhode Island State Implementation Plan ("SIP"), which includes federally-approved portions of Rhode Island's Air Pollution Control Regulations.

Section 114(a)(1) of the Act, 42 U.S.C. Section 7414(a)(1), gives EPA the authority to require any person who owns or operates any emission source to establish and maintain records, make reports, sample emissions, and provide such other information as may reasonably be required to enable EPA to determine whether such person is in compliance with the Act and its implementing regulations.

This Reporting Requirement orders NE Boatworks to provide the information listed in each numbered paragraph below within 60 days of receipt of this letter. If NE Boatworks does not possess some or all of the records or documents that respond to a specific request below, NE Boatworks shall explain why in writing.

1. Provide the following information about NE Boatworks:
 - a. Describe the ownership and business structure;
 - b. Indicate the date and state of incorporation;
 - c. List any partners or corporate officers;

- d. List any parent, divisions and subsidiary corporations and any related business entities; and
 - e. Provide the net worth of the NE Boatworks (if not available, provide gross annual receipts from 2007-11).
2. Provide the following information for the facility owned and/or operated by NE Boatworks (the "Facility"):
 - a. The physical address;
 - b. The date that the Facility began operations;
 - c. The name and phone number of the plant manager;
 - d. The number of employees;
 - e. The size in acres of the property;
 - f. The frontage in feet on a navigable waterway; and
 - g. The name, address, and the date that operations began for any other facilities owned and/or operated by any of the corporate entities identified in 1.d above.
3. State whether NE Boatworks purchased or acquired its business, equipment, or operations from another company that previously conducted similar work at the Facility. If so:
 - a. Provide the name of the company, a description of that company's operations, the dates that the previous company operated at the Facility; and
 - b. Describe how NE Boatworks came to acquire that company's business.
4. Provide the following information for the Facility:
 - a. A scaled diagram showing all the major features, including but not limited to the buildings, water frontage, and launches;
 - b. A description of each building and structure by its purpose and use, including but not limited to any manufacturing areas, dry docks, spray booths, and painting areas;
 - c. The size and weight capacity for any ship/barge/boat launches or lifts;
 - d. The date that actual construction began on each building or other structure;
 - e. A description of the activities that are conducted within each building or other structure, including, but not limited to, vacuum molding and surface coating operations;
 - f. A description and the specific location of all activities, including but not limited to, surface coating operations, that are conducted outside of any building; and a description of any heating, ventilation, air conditioning system, and any type of air pollution control system employed, e.g., particulate or overspray filters.
5. For each ship, barge, buoy, boat or other vessel (referred to below collectively as "Vessels") built, constructed, and/or repaired by NE Boatworks at the Facility from January 2007 to the present, provide the following information:
 - a. The name of the Vessel;
 - b. The type of Vessel (military, pleasure craft, commercial, etc.);
 - c. The primary material of the Vessel (wood, metal, fiberglass, etc.);

- d. The basic dimensions of the Vessel (length, width, and depth in feet);
- e. The approximate surface area of the hull and topside of the Vessel, if applicable (in square feet);
- f. The year and month construction began and ended;
- g. The type of work conducted on the Vessel (construction, repair, cleaning, etc.);
- h. The type of coating used on the Vessel, if applicable (see the categories specified in 40 CFR Part 63, Subpart II, Table 2, or the definitions section of 40 CFR Part 63, Subpart VVVV where applicable); and
- i. The approximate Vessel surface area that was coated, if applicable.

To provide your response, please use the attached blank spreadsheet labeled "Vessels" or an equivalent spreadsheet format.

6. For each coating or resin that NE Boatworks has purchased for the Facility from January 2007 to the present, provide the following information:
 - a. The name of the coating or resin;
 - b. The type of the coating (e.g., paints, thinners, cleaners, latex products, solvents, fairing compounds, adhesives – see the categories specified in 40 CFR Part 63, Subpart II, Table 2, or the definitions section of 40 CFR Part 63, Subpart VVVV where applicable) or resin (e.g., gel coat, skin coat, resin, hardener, filler, promoter, catalyst);
 - c. Indicate if the coating contains: nickel, cadmium, lead, manganese, chrome, and/or methylene chloride;
 - d. The total Volatile Organic Compound ("VOC") content of the coating in lbs VOC per gallon of coating. The VOC content must come from the manufacturer of the coating. If the manufacturer provides a range, use the upper bound of the range;
 - e. The total Hazardous Air Pollutant ("HAP") content of the coating in lbs HAP per gallon of coating. The HAP content must come from the manufacturer of the coating. If the manufacturer provides a range, use the upper bound of the range;
 - f. The coating density in pounds of coating per gallon of coating; and
 - g. The annual amount of coating/resin purchased each year from 2007 through 2011 (in gallons).

To provide your response, please use the attached blank spreadsheet labeled "Coatings - As Purchased" or an equivalent spreadsheet format.

7. For each coating "as applied" at the Facility from January 2007 to the present, provide the following information:
 - a. The name of each coating as applied;
 - b. Name of the vessel that the coating was applied to if known;
 - c. The as-applied VOC content of each coating by taking into account any and all additives and thinners added to the as-purchased coatings;
 - d. The as-applied HAP content of each coating by taking into account any and all additives and thinners added to the as-purchased coatings; and

- e. The coating density in pounds of coating per gallon of coating; and
- f. The annual amount of each coating as applied (in gallons).

To provide your response, please use the attached blank spreadsheet labeled "Coatings - As Applied" or an equivalent spreadsheet format.

8. Provide the amount of VOCs emitted annually from the Facility for each year from 2007 through 2011.
9. Provide the amount of HAPs emitted annually from the Facility for each year from 2007 through 2011.
10. Identify the highest or peak amount of VOCs emitted from the Facility from January 2007 to the present during any one day (in pounds) from:
 - a. The coating of wood substrates;
 - b. The coating of fiberglass substrates;
 - c. The coating of metal substrates; and
 - d. All coating at the Facility.
11. For the Facility, from January 2007 to the present, estimate the maximum hours per day, days per week, and weeks per year NE Boatworks painted and coated hulls, decks, and components of Vessels and other items. In addition:
 - a. Explain the reasons for the current painting schedule; and
 - b. Explain any physical and/or operational limitations that would prevent NE Boatworks from painting 24 hours/day, 7 days/week, 52 weeks/year.
12. Describe the methods by which coatings are applied at the Facility, including the methods that each paint and other coating is applied (e.g., brush, roller, spray gun) by type of part and product produced. For each method, also provide an explanation as to why different methods are used in different circumstances.
13. List the spray guns currently on-site at the Facility. For each individual gun, provide the following information:
 - a. The manufacturer;
 - b. The model number;
 - c. The nozzles used;
 - d. The actual operating pressure range by nozzle used (in pounds per square inch);
 - e. The maximum flow rate (in gallons per hour);
 - f. The month and year of acquisition or purchase;
 - g. The owner.

To provide your response, please use the attached blank spreadsheet labeled "Spray Guns" or an equivalent spreadsheet format.

14. For each temporary or permanent spray booth at the Facility from January 2007 to the present, provide the following information:
- a. The name/identifier and location of the spray booth;
 - b. The date that actual construction began on the spray booth;
 - c. The date that actual construction was completed on the spray booth;
 - d. The date that any surface coating operations began in the spray booth;
 - e. A description of any air pollution control equipment ;
 - f. A description of any best management practices utilized to limit air pollution from the spray booth; and

To provide your response, please use the attached blank spreadsheet labeled "Spray Booths" or an equivalent spreadsheet format.

15. Provide copies of all correspondence NE Boatworks (or any of its predecessors) has had with state and/or federal environmental agencies regarding emissions of air pollution at the Facility, including, but not limited to, copies of:
- a. All permit applications;
 - b. All permits issued; and
 - c. Any requests for permit modifications.

Submissions required by this letter shall be mailed to:

Susan Studlien, Director
Office of Environmental Stewardship
US Environmental Protection Agency, New England
5 Post Office Square, Suite 100
Boston, Massachusetts 02114
Attn: Steven Calder (OES 04-2)

Be aware that if NE Boatworks does not provide the information in a timely manner, EPA may order it to comply and may assess monetary penalties under Section 113 of the Clean Air Act. Federal law also establishes criminal penalties for providing false information to EPA. This letter is not subject to Office of Management and Budget review pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35.

You may assert a business confidentiality claim covering part or all of the information requested, in the manner described by 40 CFR § 2.203(b). Information covered by such a claim will be disclosed by EPA only to the extent, and by means of the procedures, set forth in 40 CFR Part 2, Subpart B. Note that certain categories of information, such as emission data, are not properly the subject of such a claim. If no such claim accompanies the information when EPA receives it, EPA may make the information available to the public without further notice to you.

If you have any questions regarding this Reporting Requirement, please contact Environmental Engineer, Steven Calder, at (617) 918-1744, or have your attorney call Senior Enforcement Counsel, Thomas T. Olivier, at (617) 918-1737.

Sincerely,

Susan Studlien

Susan Studlien, Director
Office of Environmental Stewardship

cc: Ted Burns, RI DEM

Enclosures